

IN THE EFATE ISLAND COURT
OF THE REPUBLIC OF VANUATU
(Civil Jurisdiction)

Civil Case No.03 of 2006

BETWEEN: **FAMILY SAKLA ANDRE KALPOI &**
 OTHERS
 CLAIMANTS

AND: **FAMILY TOKTOK & KALWATMAN &**
 OTHERS
 DEFENDANTS

ORDER

Long March 1995, Family Toktok Kalwatman ibin kam long Kot mo talem se olgeta iland ona long kraon ia we oki kolem "Eleo" hemia insaed long Urakot, Pango. Folem kleim ia Clerk blong Efate Island Court ibin putum notis long 31st Novemba 1995. Hemi mekem total blong 30 deis. Folem advetaesmen ia ikat Family Naflak Nawi Natongrau, Family Wit (Nawita), Family Nawita, Family Wimak, Chief Mantoï Kalsakau III mo Bruce Kalotiti we olgeta nao oli kat interest long kraon ia.

I bin kat wan problem wetem finance we Government ibin fesem long yia 1995 kam kasem 2000. From reason ia now Island Court ino save harem ol land cases mo ol land cases we Island Court ino save harem olgeta. Long yia 2000, Government ibin alocatem 20.000.000 blong Island Court ilistim blong harem ol land cases we ipending long Court. However kaen situation olsem Court ino mas takem olsem hemi wan gudfala reason why ol parties oli no apply long 1995. Ol parties oli should apply long Court blong kam parties long 1995 taem we Clerk ibin putum notis. Be tedei Kot istap harem se ikat some parties we oli interest long kraon ia be olgeta oli no bin applae long taem ia.

Long saed blong Law we ikam under long CAP 167 hemi subsitari Legislation Oda 6 sub oda 9 italem se mbae Clerk afta we hemi risivim wan claim blong Original Claimant hemi mas putum notis long

area we kraon istap long hem mo ol nara public ples. Public notis imas hang long wan period blong 30 deis. Wanem nao hemi mining blong notis ia we ihang long 30 deis. Long lukluk blong Kot se 30 deis hemia ino minim se afta long 30 deis mbae ol parties oli nomo apply.

From se Law italem nomo se mbae notis ihang long 30 deis be Law ino talem se afta long 30 deis mbae ol partis ino save apply ikam long Kot. Wanem we Kot imas considerem taem wan late application ikam insaed hemi reasons mo reasonable time blong mekem application long Kot.

Sakla Andre Kalpoi Kot iharem se olgeta ineva harem se ibin kat dispute long kraon ia mo taem oli bin faenem out oli just mekem application blong olgeta. Kot ifaenem out too se ol nara parties oli no kivim wan gud reason from wanem olgeta ino save kam wan parties long case ia.

Family Thomas Kalsa Leel olgeta ikat two reasons why oli no apply wan hemi financial situation mo nara wan olgeta italem se long start long case ia oli stap wetem family Toktok be oli faenemaot se family Toktok ino wandem join wetem olgeta mekem se olgeta ites faelem in seperet claim blong olgeta concernem land ia.

Long saed blong Family Abel Naar & descendants oli talem se oli no bin aware se ikat wan application blong Kot be taem Sakla Andre Kalpoi ibin applae oli sek mo oli kam insaed blong defendem raet blong olgeta.

Long saed blong family Hendon Singari Manulapalapa reasons from wanem oli apply late hemi from se hemi bin tinktink se Ifira Trust mbae act long behalf blong olgeta. Be Kot ino agree se Ifira Trustee isave act long behalf blong olgeta mekem se olgeta tu oli kam insaet.

Long saed blong family Ben Kalpukai Teriki Matarau olgeta italem same reasons se Trust ino bin act long behalf blong olgeta. Long saed blong family John Kalomtak hemi talem se hemi bin pat long family Toktok be long 1999 ol man oli bin ronemaout hem long Pango nakamal mekem se hemi weit blong kat wan chance blong kam insaed long Kot.

Family Tongaia Kalpukai ikam insaed late from se long taem ikam olgeta ino bin save kasem informesen be taem we oli harem se Kot ibin allowem time long ol narafala partis mekem se olgeta tu oli kat interest blong join.

Afta Kot ilukluk long ol reasons ia, Kot istap talem se ol reasons ia oli stret mo long saed blong time, Kot imas lukluk long application blong olgeta weta ireasonable blong aceptem afta 11 years. Long saed ia Kot imas askem question weta ol raets blong olgeta blong kam defendem long Kot, hemi more important than taem we case ibin kam long Clerk.

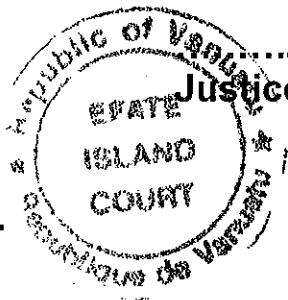
Kot iwandem asarem se raet blong wan wan parti hemi important. from reason ia, Kot istap mekem ol Odas ia:

Everi Parti we oli applae olgeta everi wan oli kam parti long Land Case No. 3 blong 1995. Olgeta ia ikat:

- Family Sakla Andre Kalpoi
- Family Thomas Kalsa Leel
- Family Abel Naar & descendants
- Family Hendon Singari Manulapalapa
- Family Ben Kalpukai Teriki Matarau
- Family John Kalomtak
- Family Tongaia Kalpukai
- Family Bakokoto

Olgeta Partis ikat wan manis blong pem land Kot fee blong VT30.000 each.


.....
Justice Anne Carlot




.....
Justice Kalkot Kalotiti Mormor


.....
Magistrate Jerry Boe

Dated at Port Vila this 20th day of March 2006.